IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

ANTHONY CANTY,

    Plaintiff,

v.   CIVIL ACTION NO. 1:18-01459

P.A. MS. CHANDRA CARUTHERS, *et al.*,

    Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United

States Magistrate Judge Omar J. Aboulhosn for submission of

findings and recommendation regarding disposition pursuant to 28

U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to

the court his Findings and Recommendation on February 12, 2019,

in which he recommended that the court deny plaintiff's

Application to Proceed Without Prepayment of Fees and Costs, ECF

Nos. 1 and 9, dismiss without prejudice plaintiff's Complaint,

ECF No. 2, and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b),

plaintiff was allotted fourteen days and three mailing days in

which to file any objections to Magistrate Judge Aboulhosn's

Findings and Recommendation. The failure of any party to file

such objections within the time allowed constitutes a waiver of

such party's right to a <u>de novo</u> review by this court. <u>Snyder v. Ridenour</u>, 889 F.2d 1363 (4th Cir. 1989).

Objections to the Proposed Findings and Recommendation were due by March 1, 2019. Neither party filed any objections to the Magistrate Judge's Findings and Recommendation within the requisite time period.
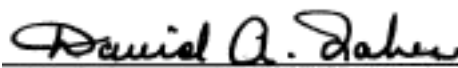
Accordingly, the court adopts the Findings and Recommendation of Magistrate Judge Aboulhosn as follows:

1. Plaintiff's Application to Proceed Without Prepayment of Fees and Costs, ECF Nos. 1 and 9, is **DENIED**;

2. Plaintiff's Complaint, ECF No. 2, is **DISMISSED** without prejudice; and

3. The Clerk is directed to remove this case from the court's active docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

IT IS SO ORDERED this 6th day of January, 2020.

ENTER:

David A. Faber
Senior United States District Judge